

AN ACT

relating to the qualifications for designation as a dropout recovery school.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.1141(c), Education Code, is amended to read as follows:

(c) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for renewal of the charter and the charter does not meet the criteria for expedited renewal under Subsection (b) or for expiration under Subsection (d), the commissioner shall use the discretionary consideration process. The commissioner's decision under the discretionary consideration process must take into consideration the results of annual evaluations under the performance frameworks established under Section 12.1181. The renewal of the charter of an open-enrollment charter school that is registered under the agency's alternative education accountability procedures for evaluation under Chapter 39 shall be considered under the discretionary consideration process regardless of the performance ratings under Subchapter C, Chapter 39, of the open-enrollment charter school or of any campus operating under the charter, except that if the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance that is lower than

1 satisfactory for any three of the five preceding school years, the
2 commissioner shall allow the charter to expire under Subsection
3 (d). In considering the renewal of the charter of an
4 open-enrollment charter school that is registered under the
5 agency's alternative education accountability procedures for
6 evaluation under Chapter 39, such as a dropout recovery school or a
7 school providing education within a residential treatment
8 facility, the commissioner shall use academic criteria established
9 by commissioner rule that are appropriate to measure the specific
10 goals of the school. The criteria established by the commissioner
11 shall recognize growth in student achievement as well as
12 educational attainment. For purposes of this subsection, the
13 commissioner shall designate as a dropout recovery school an
14 open-enrollment charter school or a campus of an open-enrollment
15 charter school:

16 (1) that serves students in grades 9 through 12 and has
17 an enrollment of which at least 60 [~~50~~] percent of the students are
18 16 [~~17~~] years of age or older as of September 1 of the school year as
19 reported for the fall semester Public Education Information
20 Management System (PEIMS) submission; and

21 (2) that meets the eligibility requirements for and is
22 registered under alternative education accountability procedures
23 adopted by the commissioner.

24 SECTION 2. Section 12.137(a), Education Code, is amended to
25 read as follows:

26 (a) This section applies only to:

27 (1) an open-enrollment charter school designated as a

1 dropout recovery school as described by Section 12.1141(c) if the
2 enrollment of the school consists only of students 16 [~~17~~] years of
3 age and older; and

4 (2) an adult education program provided under a high
5 school diploma and industry certification charter school program
6 under Section 29.259.

7 SECTION 3. Section 39.0548(a), Education Code, is amended
8 to read as follows:

9 (a) For purposes of evaluating performance under Section
10 39.053(c), the commissioner shall designate as a dropout recovery
11 school a school district or an open-enrollment charter school or a
12 campus of a district or of an open-enrollment charter school:

13 (1) that:

14 (A) serves students in grades 9 through 12 and
15 has an enrollment of which at least 60 [~~50~~] percent of the students
16 are 16 [~~17~~] years of age or older as of September 1 of the school
17 year as reported for the fall semester Public Education Information
18 Management System (PEIMS) submission; or

19 (B) applies for and receives designation as a
20 dropout recovery school in accordance with commissioner rule; and

21 (2) that meets the eligibility requirements for and is
22 registered under alternative education accountability procedures
23 adopted by the commissioner.

24 SECTION 4. This Act applies beginning with the 2021-2022
25 school year.

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 879 passed the Senate on April 29, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 879 passed the House on May 8, 2021, by the following vote: Yeas 127, Nays 12, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor